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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,623	09/19/2003	Joseph P. Fletcher III	3-1-29-8-4	6559

7590

03/20/2006

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EXAMINER
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GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/665,623

Applicant(s)

FLETCHER ET AL.

Examiner

Jill M. Gray

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) 10-18 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,5,7 and 9 is/are rejected.  
7) ☒ Claim(s) 2-4,6 and 8 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/19/03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-9, in the reply filed on January 9, 2006 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Publication EP 1,129,999 A2 (hereinafter Dong).

Dong teaches an optical fiber preform comprising a preform core rod, an overclad tube formed around the preform core rod, a handle attached to the end of the overclad tube and a refractory material positioned between the preform core rod and the handle. See Figure 2a, [0012], and [0017]. As to the refractory material of claims 1, 5 and 7, Dong teaches that a quartz disc is positioned between the preform core rod and the handle. Quartz is formed from a refractory material.

Therefore, the teachings of Dong anticipate the invention as claimed in present claims 1, 5 and 7.

Art Unit: 1774

4. Claims 1, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Dong et al, 6,460,378 B1 (Dong).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Dong teaches an optical fiber preform comprising a preform core rod, an overclad tube formed around the preform core rod, a handle attached to the end of the overclad tube and a refractory material positioned between the preform core rod and the handle. As to the refractory material of claims 1, 5 and 7, Dong teaches that a quartz disc is positioned between the preform core rod and the handle. Quartz is formed from a refractory material. See Figure 2(a) and column 4, lines 15-63.

Therefore, the teachings of Dong anticipate the invention as claimed in present claims 1, 5 and 7.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication EP 1,129,999 A2 (hereinafter Dong) or Dong et al, 6,460,378 B1 (Dong) each as applied above to claims 1, 5, and 7 and each in view of Berkey 5,917,109 and Berkey et al, US 2003/0024278 A1.

Dong '999 and '378 are each as applied above but do not teach that their handles are silica. Berkey '109 and '278 teaches optical fiber preform assemblies

Art Unit: 1774

comprising a preform core, at least one overclad tube and a handle attached to the first end of the overclad tube, wherein said handle is formed from silica. Thus, Dong teaches that at the time the invention was made, it was well known in the art to form an optical fiber preform assembly having a handle made of silica. Therefore, it would have been obvious to the skilled artisan to modify the teachings of Dong '999 and '378 by forming the handle from as known in the art with the reasonable expectation of success of forming an optical fiber assembly having a handle attached to the overclad tube, said handle having the necessary heat resistant properties.

Therefore, the combined teachings of Dong and Berkey would have rendered obvious the invention as claimed in present claim 9.

#### ***Allowable Subject Matter***

6. Claims 2-4, 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

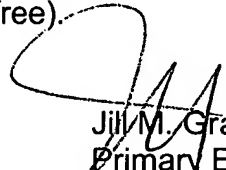
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. \*\*\*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

Art Unit: 1774

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jill M. Gray  
Primary Examiner  
Art Unit 1774

jmg